

TWIC, HME and TSA Pre✓™ APPLICATION PROGRAM DISQUALIFYING OFFENSES/FACTORS

As of April 2014

IMPORTANT INFORMATION:

See **Parts A, B and C** below for information on disqualifying criminal offenses. In addition to the disqualifying criminal offenses listed below, the Transportation Security Administration (TSA) may determine that an applicant is not eligible for the TWIC, HME or TSA Pre✓™ application program based on analyses of the following:

- a) *Interpol and other international information, as appropriate.*
- b) *Terrorist watchlists, other government databases and related information.*
- c) *Any other information relevant to determining applicant eligibility or an applicant's identity.*

TSA may also determine that an applicant is not eligible if the security threat assessment process reveals extensive foreign or domestic criminal convictions, a conviction for a serious crime not listed in Part A or B below (including some lesser included offenses of serious crimes; e.g. Murder/Voluntary Manslaughter), or a period of foreign or domestic imprisonment that exceeds 365 consecutive days.

TSA may also determine that an applicant is not eligible based on analyses of records related to violations of transportation security regulatory requirements. These include security-related offenses at an airport, on board an aircraft, at a maritime port, in connection with air cargo, and other regulatory violations.

PART A: PERMANENT DISQUALIFYING CRIMINAL OFFENSES

An applicant will be disqualified if he or she was convicted, pled guilty (including 'no contest'), or found not guilty by reason of insanity for any of the following felonies regardless of when they occurred:

1. *Espionage or conspiracy to commit espionage.*
2. *Sedition or conspiracy to commit sedition.*
3. *Treason or conspiracy to commit treason.*
4. *A federal crime of terrorism as defined in 18 U.S.C. 2332b(g), or comparable State law, or conspiracy to commit such crime.*
5. *A crime involving a TSI (transportation security incident). Note: A transportation security incident is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area, as defined in 46 U.S.C. 70101. The term "economic disruption" does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.*
6. *Improper transportation of a hazardous material under 49 U.S.C. 5124 or a comparable state law.*
7. *Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. An explosive or explosive device includes an explosive or explosive material as defined in 18 U.S.C. 232(5), 841(c) through 841(f), and 844(j); and a destructive device, as defined in 18 U.S.C. 921(a)(4) and 26 U.S.C. 5845(f).*
8. *Murder.*
9. *Threat or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility.*
10. *Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the permanently disqualifying crimes.*
11. *Attempt to commit the crimes in items (1)-(4) of this section.*
12. *Conspiracy or attempt to commit the crimes in items (5)-(10) of this section.*

Note: For the TWIC and HME programs, an applicant may apply for a waiver for any disqualifying offense listed under Part A, numbers 5 through 12 listed above. There are no waivers for the TSA Pre✓™ application program.

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PART B: INTERIM DISQUALIFYING CRIMINAL OFFENSES

Conviction for one of the following felonies is disqualifying if the applicant was convicted, pled guilty (including 'no contest'), or found not guilty by reason of insanity within 7 years of the date of the application; OR if the applicant was released from prison after conviction within 5 years of the date of the application.

1. *Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. A firearm or other weapon includes, but is not limited to, firearms as defined in 18 U.S.C. 921(a)(3) or 26 U.S.C. 5845(a), or items contained on the U.S. Munitions Import List at 27 CFR 447.21.*
2. *Extortion.*
3. *Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering, where the money laundering is related to a crime listed in Parts A or B (except welfare fraud and passing bad checks).*
4. *Bribery.*
5. *Smuggling.*
6. *Immigration violations.*
7. *Distribution, possession w/ intent to distribute, or importation of a controlled substance.*
8. *Arson.*
9. *Kidnapping or hostage taking.*
10. *Rape or aggravated sexual abuse.*
11. *Assault with intent to kill.*
12. *Robbery.*
13. *Fraudulent entry into a seaport as described in 18 U.S.C. 1036, or a comparable State law.*
14. *Violations of the Racketeer Influenced and Corrupt Organizations Act (RICO) under 18 U.S.C. 1961, et seq., or a comparable State law, other than any permanently disqualifying offenses.*
15. *Voluntary Manslaughter*
16. *Conspiracy or attempt to commit crimes in this section.*

Note: For the TWIC and HME programs, an applicant may apply for a waiver for any disqualifying offense listed under Part B. There are no waivers for the TSA Pre✓™ application program.

PART C: UNDER WANT, WARRANT OR INDICTMENT

A person will be disqualified if he or she is wanted or under indictment in any civilian or military jurisdiction for a felony listed under Part A or Part B until the want or warrant is released or the indictment is dismissed.